

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Missy Vineyard Ehrgood

Date application filed with the Town Clerk: January 4, 2008

Nature of request: A Special Permit to operate a for-profit educational institution, the Alexander Technique School New England, at home, under Section 3.332 of the Zoning Bylaw.

Address: 94 Lessey Street (Map 14B, Parcel 3, R-G Zoning District)

Legal notice: Published February 6 and 13, 2008 in the Daily Hampshire Gazette and sent to abutters on February 4, 2008

Board members: Barbara Ford, Jane Ashby and Eric Beal

Submissions: The applicant submitted with the application a Project Summary, a Management Plan, and an Amherst GIS map showing potential parking places.

The applicant submitted a letter, revised Management Plan and revised site plan for the April 22, 2008 hearing, and a final site plan drawn by Martha Lyon, Landscape Architect, dated 6/17/08 for the June 17, 2008 hearing.

The zoning assistant submitted a memo concerning the application, dated February 15, 2008.

A letter of support was submitted from Peggy and Murray Schwarz, 108 Lessey, immediate abutters to the east, dated April 17, 2008.

The Amherst Historical Commission wrote a letter dated May 8, 2008 urging the ZBA to “pursue a flexible approach that minimizes the number and footprint of parking spaces.”

Site Visit: February 19, 2008

The Board met with the applicant at her home and observed the following:

- A large 19th century historic house located in the Dickinson National Register District;
- Several adjacent buildings that are now dormitories for Amherst College;
- A long driveway, two-car garage, small parking area and a turnaround;
- Three first floor rooms dedicated to the school, with the dining and kitchen areas also are available for class breaks;
- Two means of egress available for the students and teachers of the school.

Public Hearing: February 21, 2008

Missy Vineyard Ehrgood spoke to the application at the hearing. Tom Ehrgood, spouse, also was present.

Ms. Ehrgood gave the following information:

- She has operated a school for the Alexander Technique in her home since 1975;
- The technique focuses on the use of the locomotive system and how posture, use of the body, etc affect one's health;
- She gives private lessons in the Technique as well, which is allowed by right, but is applying for a Special Permit for the school;
- Her students are all adults, all physically fit;
- The training takes three years, Monday through Thursday, 9-11:30 am, for 32 weeks;
- There is no school from June to September;
- The skill level of students is mixed- ranging from teachers to new students;
- In 1987 she founded the Alexander Technique School New England;
- She moved to Amherst in 1992 and asked the Building Commissioner at that time if she could have her business at home; the Building Commissioner gave verbal permission for a home business as a teacher-trainer, and approved the parking in her driveway;
- In 2004 she became licensed by the MA Department of Education (DOE);
- Enrollment in the school fluctuates, but she would like to have up to 10 trainees (students);
- Currently there are 8 or 9 students, all who attend at the same time;
- The Alexander Society requires a student-teacher ratio of 5:1;
- She uses up to four (4) graduates of the program to assist in teaching, so that the student/teacher ratio is lower than 5:1;
- The Technique is a hands-on skill, and graduates continue to come back to continue learning and improving their skills;
- With teachers, students and the applicant, there would be 15 people at the most involved in the school at one time;
- There are no students or teachers who live in the house;
- The second apartment, for which a Special Permit had been issues previously, does not exist now; the house is only occupied by the applicant and her husband.

Mr. Ehrgood said that Ms. Vineyard Ehrgood is renowned throughout New England and the world for her technique and teaching skills. Also, she has just published a new book, *"How to Stand, How to Move, How to Live."*

Ms. Ashby asked what the circumstances are now that caused the applicant to apply for a Special Permit.

The applicant responded that in 2006, she was contacted by the DOE that she has to meet the requirements of a post-secondary school offering occupational training, and that she had to have yearly inspections from the Amherst Inspections Department. In 2006, the Building Commissioner said that she met the Building Code requirements and signed off on the inspection. For this year's inspection, she anticipated another routine inspection, but instead was told that she needed a Special Permit for the home school.

Mr. Ehrgood added that their understanding was that the increased number of students and teachers is what triggered the need for a Special Permit.

Ms. Ford said that in the past, the activity was considered an accessory use (Section 5.012 of the Zoning Bylaw.) Now the school, with the students plus teachers, is too large to be considered an accessory use; this triggered the Special Permit application as a second principal use on the site. Section 3.0 of the Bylaw allows for two principal uses on one site if the uses are complementary to one another.

Ms. Ford asked how the space is used for the school. The applicant responded that sometimes she gives a

talk, so the tables are used. Other times she works on the body, so the floor is used, or there may be a combination of the two going on at once. The space is large enough to accommodate everyone on the floor and at the tables. The kitchen and dining room are used at break times.

Ms. Ford asked about the parking. The applicant stated that there is ample parking on the site:

- There are 2 spaces within the garage; one is used by the applicant and the other is unused;
- The garage is 24 feet wide, and three cars can park in front of the garage;
- There are two spaces in the small parking area at the west side of the driveway near the back door;
- There is room for 4 cars to park along the east side of the driveway;
- Several cars can angle park along the west side of the driveway.
- There are spots for 15 cars in her driveway, though never more than 10 are there at one time;
- In the future, she may require teachers to park in the Town garage and walk up to the house, since all participants are fit.

Ms. Ashby noted that there are 12 spaces on the submitted plan, not including the garage. She asked the width of the driveway (12 feet wide) and noted that the driveway was narrower at the road (10 feet). She also noted that visibility for backing out onto Lessey Street could be better.

Ms. Ashby said that along the sides of the driveway is grass. Widening the driveway may not be aesthetically pleasing to the neighborhood. She also noted that angling of spaces may be better than parallel parking along the edge of the driveway.

Ms. Vineyard Ehrgood said that they are planning to widen the parking area on the westerly side of the driveway to accommodate 5 cars, but she would like to have parallel parking on the east side of the driveway.

Mr. Ehrgood said that they have contacted Karl's Excavating to get a survey of the property line and improve the parking.

Ms. Ford noted that a survey to establish the eastern border of the property would be a good idea. The applicant should have the parking completely within her own lot, not spilling onto the neighbor's lot.

Ms. Ashby suggested that perhaps the school's teachers could obtain permits for permit parking nearby.

Ms. Ford said that the Board could waive the some of the parking requirements if other parking sites were found.

Ms. Vineyard Ehrgood said that her neighbor to the east does not want screening between the two yards because the wide open expanse is lovely to both houses in the summer season. The Alexander school does not operate for 4 months of the year.

Ms. Ford said that a waiver for the screening could be requested as well.

Ms. Ford asked the other members of the Board about determining the compatibility of two principal uses on the premises. Ms. Ashby said that, in her opinion, the uses were compatible and she was fine with it as long as the permit expired upon change of ownership of the house. Mr. Beal also found the two uses on site to be compatible, noting that the compatibility issue is the basis of the Special Permit application.

Ms. Ford agreed that the main part of the application was consideration of the two principal uses together, but the parking is an important part of the permit. Adequate parking will be one of the conditions of the permit.

The Board also discussed snow removal as part of the permit. The applicant indicated on the plan where the snow is pushed – off the driveway to the east and near the garage on the west. The applicant said that they also shovel to clear the sidewalks and remainder of the driveway. The turnaround area is always cleared.

The Board reviewed the Management Plan and made a few clarifications. The Board asked the applicant to re-submit the Management Plan.

The applicant said that there would be no sign for the business on the property.

The Board agreed that a Special Permit for the Alexander School would be approved with appropriate conditions, but that they wanted more information about the parking and a better parking plan before closing the hearing.

Ms. Ashby made a motion to continue the hearing to April 15, 2008 at 5 PM. Mr. Beal seconded the motion, and the vote was unanimous to continue the hearing to April 15th, 5 PM.

Continued Public Hearing April 15 and 22, 2008

There was no quorum of the Board on April 15th, and the hearing was continued to April 22, 2008.

Ms. Ehrgood said that she had met with Karl's Excavating and a landscape architect. At the time she was planning for 10-12 parking places on site. She was hoping to maintain the aesthetics of the property, and keep grass, with a gravel matrix underground. She found that this was not feasible; there would be too much area to dedicate to the parking, and the area would have to be dug to a depth of 3-4 feet. In addition, the change would cost too much.

The applicant said that she would like to consider another option and scale back on the parking on site. She proposed the following:

- The historical nature of the site and the openness of the two properties speak to limiting the parking area;
- The fact that all vehicles arrive and leave at once present an opportunity for a more compact configuration than for a typical business with parking at random times;
- A plan for 8 parking places was submitted in addition to the 2 spaces required for the residential use;
- In actuality, since the applicant only has one car, nine spaces could be dedicated to the school use;
- The plan calls for 2 vehicles inside the garage, 3 compact cars in front of the garage, and 5 more angled on a newly created space on either side of the driveway;
- Gravel would be added to each side of the driveway in order to create the necessary extra spaces;
- The cars would all be parked up close to the house and away from the street, thereby keeping the open feeling of the yard;
- Visibility is clear on each side of the driveway; there are no trees or shrubs interfering with sight lines for vehicles leaving the driveway;
- Any additional parking could use the 5-hour parking meters on Main Street that is close by.

Ms. Ashby stated that at the last ZBA meeting the applicant had talked about providing 12 parking places. Are waivers for the parking now being asked? Ms. Ashby gave the opinion that parking meters and lots are to be used for patrons of downtown businesses.

Ms. Ehrgood responded that the calculation for needed parking based on the size of the school plus the dwelling is 9.4 parking places, according to Sections 7.002 and 7.003. She would like a compromise in terms

of less parking than originally planned because she wants to preserve the property and not create too much gravel or paved parking on site. She has restored the house and property, and wishes to preserve the attractive openness of the yard and the historical ambience of the area.

Ms. Ford stated that she disagrees with Ms. Ashby concerning parking. The Board can require participants in the school to park off site that the parking meters in front of the Dickinson Museum are little used and would be appropriate. Ms. Ashby again stated that she would like the parking meters to be available for visitors and shoppers, not for students or teachers.

The Board observed that the proposed plan was not drawn to scale. Mr. Beal said that he could not make a decision about the parking without the exact dimensions of the spaces, the driveway, turnaround, etc. Ms. Weeks noted that a designated turn-around area was required.

Ms. Ford agreed that a better plan is needed for the parking, with dimensions and a clear line of movement for the cars.

The Board agreed that 8 spaces for the school outside of the garage plus 2 spaces for the residence inside the garage would be sufficient.

Mr. Beal suggested that the Board could grant the permit with the information available and condition the parking. A better parking plan then could be submitted to the Board for approval at a public meeting.

After further discussion, the Board decided to continue the hearing, and require at least the following on a plan drawn to scale:

- Dimensions for each parking place;
- Distance from the parking to the house;
- Width of the driveway at the curb and at the parking areas;
- Width of the turnaround area;

Mr. Beal made a motion to continue the hearing to April 30th at 8:30 AM. Ms. Ashby seconded the motion and the vote was unanimous to continue the hearing to April 30, 2008 at 8:30 AM.

Continued Public Hearing: April 30, 2008

The applicant requested that the hearing be continued, saying that she has hired a landscape architect to design the parking. The hearing was continued to June 17, 2008 at 7 PM.

Continued Public Hearing: June 17, 2008

Martha Lyons, registered landscape architect, spoke to the application. The applicant and Mr. Ehrgood also were present. Ms. Lyons gave the following information:

- Her work concentrates mainly on historic preservation, and she has been deeply involved in the renovation/preservation of the Lessey Street neighborhood as part of the Dickinson National Register Historical District.
- The Lessey house was built in 1870 and two historic figures lived there – Chauncey Lessey and Levi Stockbridge, President of Mass Agricultural College;
- She visited the property and read the ZBA notes from the previous hearings, and gathered the following requisites:
 - There need to be a minimum of 10 spaces, two for the residence and 8 for the school;

- The parking must be no closer than 8 feet from any building;
 - The driveway must be a minimum of 10 feet;
 - There must be a turnaround on the property so that cars are not backed onto the street.
- The Historical Commission reviewed the application as well and, given the prominence of the property, asked that flexibility in parking be allowed by the ZBA;
- She also wishes to respect the historical character of the neighborhood in designing the parking for the Alexander School.

Ms. Lyons said that she had several objectives in her proposed parking plan:

1. To minimize the runoff and avoid an impermeable surface;
2. Create a sustainable design;
3. Maintain safety of egress with no backing out of the driveway;
4. Retain the 12-foot driveway width;
5. Eliminate diagonal parking in order to preserve the two-way driveway (entrance and exit);
6. A workable turnaround area, which now will be a 25-foot backup area in front of the garage;
7. Design the parking so that the turning radii can be met for each parking place;
8. Keep the parking at least 8 feet from the house and provide room for a walkway;
9. Provide an immediate screen on the westerly side of the driveway by either moving the dogwood tree or substituting it with perhaps a katsura tree.

To meet these objectives, Ms. Lyon is proposing that the 1100 square feet of parking area be made of reinforced turf. The turf has a gravel base strong enough for vehicles to sit on. The weight of the vehicle is spread over the surface instead of just at the wheel area. One layer of gravel 8 inches deep and a layer of topsoil 8 inches thick will preserve the grass and is completely porous. Ms. Lyon presented a site plan drawn by her showing eight parking places, four on each side of the driveway, with reinforced turf.

Ms. Lyon showed pictures of the Hardwick Common and roadway with reinforced turf. Vehicles can park in the grassy areas and along roadways for fairs and other public events without damaging the space. She said that the parking areas at Tanglewood all have reinforced turf as well.

Ms. Ford asked if emergency vehicles would be supported by the turf, and Ms. Lyon said that they would.

The Board was unanimous in support of the new parking plan. There were questions from Ms. Ashby and Ms. Ford, however, on how to identify the reinforced parking areas.

Ms. Ashby asked about plans to identify the parking spaces. She said that the places should be demarcated in some way – either timbers or small rocks might work.

The petitioner advocated for no delineation of the parking spaces. She said that she has control over the drivers; they attend every day and can be assigned a spot. They are intelligent, able folks, she said, who could remember where to park every day.

Ms. Ashby responded that most drivers need guidelines for parking. That's why parking is marked on the street and at the malls. She noted that previous parking plans that fail to visibly mark the spaces have been ineffective at addressing parking issues in the past.

Ms. Lyon suggested a small granite strip to center the cars, adding that Ms. Ehrgood will have control over where her students can park their vehicles.

Ms. Ashby made a motion to close the hearing. Mr. Beal seconded the motion, and the vote was unanimous to close the hearing.

Public Meeting:

The Board agreed that the proposed two principal uses, a residence and a school for the Alexander Technique, were compatible under Bylaw Section 3.0 and could co-exist on the same property. The Board further agreed that the parking spaces should be delineated in some way, to be determined by the applicant.

The Board spent the remainder of the public meeting composing conditions for the Special Permit if it were to be approved.

Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 and 10.381 – The proposal is suitably located in the neighborhood and is compatible with existing uses because there is a long standing tradition in Town to support private educational endeavors, and the applicant's property is right next to dormitories for Amherst College.

10.382 and 10.385 – The proposal would not constitute a nuisance and reasonably protects the adjoining premises against detrimental or offensive uses on the site because the school itself is conducted indoors and is not noisy, and the newly approved parking plan will preserve the grounds of the property.

10.383 and 10.387 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians and the proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets because the new plan provides for adequate parking plus a turnaround so that drivers will not have to back out onto Lessey Street.

10.384 – Adequate and appropriate facilities would be provided for the proper operation of the proposed use because the school has existed for sometime, and the internal facilities provide all the space that is needed for the school. The proposed parking areas will improve the appearance of the property as well.

10.386 – The proposal ensures that it is in conformance with the Parking and Sign regulations of the town because two parking places will be provided for the residence and eight for the school, which is what is required by the Bylaw given the floor area of the school. No signs will be installed for the school.

10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables and other wastes because the house is owner occupied and the approved Management Plan indicates that the owner is responsible for waste disposal.

10.391 – The proposal protects unique or important natural, historic or scenic features because the reinforced turf will allow parking for the school yet not clutter the property, thus preserving the integrity of the Dickinson National Historic District.

10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because there is only residential external lighting for the doorways and garage. The school does not operate in the evening.

10.395 – The proposal does not create disharmony with respect to the use, scale and architecture of existing buildings in the vicinity because no change is proposed to the exterior of the house or grounds other than the reinforced turf.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it protects the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst.

Public Meeting – Zoning Board Decision

Ms. Ford made a motion to waive the screening requirement for the parking for eight cars in the reinforced turf areas. Ms. Ashby seconded the motion, and the vote was unanimous to waive the Bylaw requirement for screening of parking areas that contain more than four (4) vehicles (Section 7.112).

Ms. Ashby made a motion to APPROVE the application for a Special Permit for a for-profit educational institution, the Alexander Technique School New England on the property as a second principle use, with conditions. Mr. Beal seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit to Missy Vineyard Ehrgood to operate a for-profit educational institution, the Alexander Technique School New England in her home as a second principle use under Sections 3.332 and 3.0 of the Zoning Bylaw, on the premises at 94 Lessey Street (Map 14B, Parcel 3, R-G Zoning District), with conditions.

BARBARA FORD

JANE ASHBY

ERIC BEAL

FILED THIS _____ day of _____, 2008 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2008.
NOTICE OF DECISION mailed this _____ day of _____, 2008
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2008,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to Missy Vineyard Ehrgood to operate a for-profit educational institution, the Alexander Technique School New England in her home as a second principle use under Sections 3.332 and 3.0 of the Zoning Bylaw, on the premises at 94 Lessey Street (Map 14B, Parcel 3, R-G Zoning District), subject to the following conditions:

1. The Alexander Technique School New England shall be operated according to the Management Plan approved by the Board at a public meeting June 17, 2008.
2. The driveway and parking areas shall be built according to the plan drawn by Martha Lyon, dated 6/17/08 and approved by the Board at a public meeting June 17, 2008, except that the gravel base of the reinforced turf areas shall be eight (8) to ten (10) inches thick.
3. There shall be no more than eight (8) parking spaces along the driveway and two (2) parking spaces in the garage.
4. Individual parking spaces along the driveway shall be delineated in some fashion by the applicant.
5. Any new exterior lighting shall be downcast.
6. This permit shall be reviewed by the Board at a public meeting upon change of ownership.

BARBARA FORD, Chair
Amherst Zoning Board of Appeals

DATE